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In re Application of :
LU *et al* :
U.S. Application No.: 10/597,004 :
PCT No.: PCT/IB2005/050047 :
Int. Filing Date: 05 January 2005 :
Priority Date: 13 January 2004 :
Attorney Docket No.: US040034US2 :
For: X-RAY TUBE COOLING COLLAR :

DECISION

This application is before the PCT Legal Staff for consideration of matters arising under 35 U.S.C. 371.

BACKGROUND

On 06 July 2008, applicants filed via the USPTO EFS-Web system an application for entry into the national stage in the United States under 35 U.S.C. 371 of PCT/IB2005/050047 which was accompanied by, *inter alia*, the basic national fee and an executed declaration.

On 01 August 2008, the Office mailed a Notice of Incomplete Nonprovisional Application indicating that the application was filed under 37 CFR 1.53(b) and a filing date has not been accorded the subject application as the specification was missing.

DISCUSSION

A review of the papers filed 06 July 2008 show that applicants clearly submitted papers to enter the national stage of PCT/IB2005/050047. The Electronic Acknowledgement of the application from the USPTO indicates that the application type is a "U.S. National Stage Under 35 USC 371."

Nonetheless, the Office processed the above-captioned application as a filing under 35 U.S.C. 111(a) and mailed the Notice of Incomplete Nonprovisional Application. This was clearly a mistake.

DECISION

The subject application will be processed as the national stage of

10/597,004

PCT/IB2005/050047 under 35 U.S.C. 371. As such, a copy of the international application was transmitted to the USPTO by the International Bureau.

For this reason, the Notice of Incomplete Nonprovisional Application mailed 01 August 2008 is **VACATED**.

This application is being forwarded to the National Stage Processing Division of the Office of PCT Operations for continued processing.

A handwritten signature in cursive script, appearing to read "James Thomson".

James Thomson
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